



**VIA ECFS**

June 27, 2008

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

***Re: 911 Call-Forwarding Requirements and Carriers' Blocking Options for  
Non-Initialized Phones (PS Docket No. 08-51)***

On behalf of the State of California, the Telecommunications Division, California 9-1-1 Emergency Communications Office (9-1-1 Office) hereby submits comments with regard to the Federal Communications Commission's (FCC) Notice of Inquiry (NOI) on whether to modify its policies on non-initialized telephones to eliminate repetitive and harassing calls to 9-1-1.

Established by statute, the 9-1-1 Office is responsible for the central administration of 9-1-1 for all of California. This includes providing funding for the 475 public safety answering points (PSAPs), establishing minimum 9-1-1 standards, and facilitating the efficient and effective delivery of 9-1-1 calls through a robust and reliable 9-1-1 network infrastructure.

The FCC currently requires commercial mobile radio service (CMRS) providers to transmit wireless 9-1-1 calls, including calls from non-initialized phones, to PSAPs. As a result anyone, at anytime, can pick up any cellular phone, dial 9-1-1 and be connected to a PSAP. This requirement, while providing essential public access to 9-1-1 services, also provides malicious callers with an unimpeded ability to disrupt 9-1-1 call centers and interfere with a PSAP's ability to deliver 9-1-1 services to the public.

For example, one such caller referred to as "Winton" from the San Francisco Bay Area, placed over 30,000 9-1-1 calls during a one-year period using a donated non-initialized wireless phone. At Winton's peak, he was placing 250 calls a day to the Hayward Police Department, tripling their normal daily 9-1-1 call volume. Winton's use of an untraceable non-initialized phone required an extensive joint law enforcement effort by the California Highway Patrol (CHP), Hayward Police Department, Solano County Sheriff, Federal Bureau of Investigation, FCC, T-Mobile, and 9-1-1 Office to locate and stop the caller in February 2008. When Winton was

arrested and asked why he placed so many calls he stated simply, "Because they were free."

Another example of an abusive 9-1-1 caller using a non-initialized phone is also from the San Francisco Bay Area and is currently being tracked by the 9-1-1 Office. Known as "Nomar," this caller has placed over 8,500 calls in the past year to the CHP's Golden Gate Dispatch Center and still remains at large. As a final example, in March 2008 the 9-1-1 Office, in conjunction with the San Jose Police Department, was able to locate and stop a caller known as "Sierra" who had placed 1,000 calls during a 10-day period using a non-initialized phone.

In 2007, California received 23.3 million 9-1-1 calls statewide, and wireless calls accounted for half, or 11.6 million, of those calls. Each month California processes an average of 1 million wireless 9-1-1 calls, with 72 percent of these calls routing to the CHP and 28 percent routing to local PSAPs.

An analysis of California call data records (CDR) revealed there are 266 active repetitive callers, mainly using non-initialized cell phones, who have placed 77,062 calls to 9-1-1. For purposes of this analysis, a repetitive caller is defined as a caller who placed 100 or more 9-1-1 calls from October 1, 2007 through May 15, 2008. Of the 266 callers identified, 85 had placed 200 or more calls, and eight callers had made more than 1,000 calls to 9-1-1.

Historically, non-initialized calls were easily identified by the area code, also known as the numbering plan area (NPA), "911". However, tracking non-initialized phones has become more difficult due to the availability of off-the-shelf, prepaid cell phones and reluctance by wireless service providers (WSPs) to reassign previously-assigned numbers. A prepaid wireless phone will retain its original assigned number long after the phone has run out of talk time. When a 9-1-1 call is placed from one of these phones, the original number is displayed but cannot be called back. If a wireless phone customer fails to pay their bill, the WSP will remove the customer's ability to receive or place calls, but the phone will still be able to call 9-1-1 displaying its original number.

In the case of "Nomar", the calls always show up at the PSAPs with the NPA of "911" and the same last seven digits. If the calls could be blocked at the mobile switching center (MSC), "Nomar" would no longer be able to disrupt the dispatch centers.

Not all calls from non-initialized phones are nuisance calls. Calls from non-initialized phones have saved many lives. For instance, during July 2007 a non-initialized phone played a significant role in saving several lives in the city of Signal Hill, California. A disgruntled employee at a publishing company entered the building with a gun and started shooting. The first call to 9-1-1 reporting the shooting was placed on a non-initialized phone.

Alternatives exist that would allow callers to continue to benefit from the appropriate use of non-initialized phones, while minimizing PSAP exposure to those who would

abuse this service. One possible answer might be to require the WSPs to give PSAPs the ability to individually block harassing calls. The optimal solution would be for the WSP to block these calls from non-initialized phones at the MSC prior to the call entering the 9-1-1 network. The MSC-blocking solution would continue to allow emergency calls from non-initialized phones to reach a PSAP while removing nuisance calls. A phone number could be temporarily deactivated for a set period of time (e.g., 30 days or 60 days). After the established number of days has passed, the phone number could be reactivated, so that the WSP can reassign it to a new customer, if desired. The process should clearly define the conditions under which the PSAP can request the WSP deactivate a number, as well as when the WSP can reactivate it.

Given the volume of 9-1-1 calls in California, it is imperative that effective ways to minimize non-emergency calls are found, thereby improving the speed at which emergency calls can be answered and resulting in more lives saved. The 9-1-1 Office applauds the FCC for opening the NOI on this important subject and stands ready to answer any questions or provide input as needed. Please do not hesitate to contact me at (916) 657-9911 or [daphne.rhoe@dgs.ca.gov](mailto:daphne.rhoe@dgs.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Daphne Rhoe", with a stylized, flowing script.

Daphne Rhoe, ENP  
Chief, California 9-1-1 Emergency Communications Office

DR/JT/ja

cc: Michael Aguilar, California Public Utilities Commission